



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
09/872,914	06/01/2001	Ferdinand Schermel		4663

7590 10/20/2004

Ferdinand Schermel
RR# 10
Brampton, ON L6V 3N2
CANADA

EXAMINER

ART UNIT	PAPER NUMBER
----------	--------------

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliance
With 37 CFR 1.192(c)**

Application No.

09/872,914

Applicant(s)

SCHERMEL, FERDINAND

Examiner

Stephen J. Castellano

Art Unit

3727

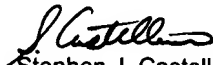
--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 23 August 2004 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☒ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☒ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
 - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☒ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet


Stephen J. Castellano
Primary Examiner
Art Unit: 3727

Continuation of 9. Other (including any explanation in support of the above items):

1. The brief doesn't contain elements 3-6 required by Rule 192©.
2. Element 3 is the status of the claims and is not provided.
4. Element 5 is the summary of the invention and is not provided.
- 5 Element 6 is the issues and is not provided.
7. The argument section doesn't provide a heading for group A which is believed to be related to a separate issue.
8. The claims seem to be provided as the last pages of the brief before the drawing figures (i.e., pages 38-48 of the facsimile transmission of the brief), however, they are not marked as an appendix.
9. The examiner requests clarification of the status of claims 7, 17 and 21 in the first paragraph of the office action mailed February 24, 2004, appellant has not responded. The examiner has assumed that these claims are cancelled as the text of these claims was not presented in the amendment filed December 29, 2003 and appellant hasn't provided the text in this brief.

Appellant should note that the Rules of Practice before the Board has changed as of September 13, 2004 and appellant should submit a new brief in accordance with this rule change.